(c) The navigable waters of the United States east of the line drawn from the northernmost point of Angeles Point, Washington, to the Traffic Lane Separation Lighted Buoy JA (Latitude 48°14.2' N, Longitude 123°28.9' W) in the Strait of Juan de Fuca, are pilotage waters.

(d) Pilotage waters for the navigable waters of the United States within Prince William Sound, Alaska, are only as follows:

(1) Northeast of a line drawn from Point Freemantel (Latitude 60°55.7' N, Longitude 146°58.3' W) to Rocky Point Light 10 (Latitude 60°57.1' N, Longitude 146°46.0' W) in Valdez Arm.

(2) East of a line drawn from Sheep Point (Latitude 60°36.9' N, Longitude 146°00.5' W) to position Latitude 60°34.4' N, Longitude 145°58.2' W on the headlands of Windy Bay, Hawkins Island.

(3) West of a line drawn from Point Pigot (Latitude 60°48.1' N, Longitude 148°21.3' W) to Point Cochrane (Latitude 60°46.0' N, Longitude 148°21.7' W).

(e) Pilotage waters for the navigable waters of the United States within Southeast Alaska are as follows: the navigable waters within the territorial sea between Dixon Entrance and Cape Spencer.

3. By revising paragraphs (a), (c), (d), and (g), and adding paragraphs (b), (f) and (i) of § 157.20–40 to read as follows:

§ 157.20–40 Pilots.

(a) The following vessels, when underway and not sailing on register, must be under the direction and control of a pilot:

(1) Coastwise seagoing vessels propelled by machinery and subject to inspection under 46 U.S.C. Chapter 33, and seagoing tank barges subject to inspection under 46 U.S.C. Chapter 37, except when seaward of pilotage waters.

(2) Vessels operating on the Great Lakes, if propelled by machinery, or tank barges subject to inspection under 46 U.S.C. Chapter 37.

(b) Every vessel in excess of 1,600 gross tons propelled by machinery and subject to inspection for certification, operating exclusively on pilotage waters of the United States, must be under the direction and control of a pilot licensed by the Coast Guard.

(c) The requirements of paragraph (a) of this section are satisfied when the vessel is under the direction and control of either:

(1) A First Class Pilot holding a valid license issued by the Coast Guard, acting within the restrictions of his or her license, or

(2) An individual holding a valid license issued by the Coast Guard as master, mate, or operator, employed aboard a vessel, within the restrictions of his or her license and the limitations of paragraphs (d) and (e) of this section, provided he or she:

(i) Has reached the age of 21 years;

(ii) Complies with the currency of knowledge provisions of 46 CFR 10.07–13, and

(iii) Complies with the physical examination requirements of 46 CFR 10.07–9.

(d) A licensed individual qualifying under subparagraph (c)(2) of this section may serve as pilot of a coastwise seagoing vessel or a Great Lakes vessel, of not more than 1,600 gross tons propelled by machinery and subject to inspection for certification, provided the individual has four round trips, over the route to be traversed, 1 of which must be made during the hours of darkness if the route is to be traversed during darkness, while in the wheelhouse as watchstander or observer.

* * * * *

(f) No first class pilot may serve as pilot on any vessel of more than 50,000 gross tons unless the individual pilot has twelve round trips, 3 of which must be made during the hours of darkness, as pilot or observer over the route to be traversed on vessels of more than 40,000 gross tons.

(g) In any instance when the qualifications of a person discharging the requirements for pilotage through the provisions of this section are questioned by the Coast Guard, the individual shall provide the Coast Guard with documentation proving compliance with paragraph (c) and the applicable portion(s) of paragraphs (d), (e) or (f) of this section.

* * * * *

Dated: June 18, 1985.

J.S. Gracey,

Admiral, U.S. Coast Guard, Commandant.

[FR Doc. 85–15027 Filed 6–21–85; 8:45 am]

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Monday
June 24, 1985

Part IV

Environmental Protection Agency

40 CFR Part 60

Standards of Performance for New Stationary Sources; Equipment Leaks of VOC From Onshore Natural Gas Processing Plants; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 60

[AD-FRL-2788-3]

Standards of Performance for New Stationary Sources; Equipment Leaks of VOC From Onshore Natural Gas Processing Plants

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: This action promulgates standards of performance for equipment leaks of volatile organic compounds (VOC) in onshore natural gas processing plants. The standards were proposed in the **Federal Register** on January 20, 1984 (49 FR 2636). These standards implement section 111 of the Clean Air Act and are based on the Administrator's determination that emissions from the crude oil and natural gas production industry cause, or contribute significantly to, air pollution which may reasonably be anticipated to endanger public health or welfare. The intended effect of the standards is to require all newly constructed, modified, and reconstructed facilities in the natural gas production industry to reduce emissions to the level achieved by the best demonstrated system of continuous emission reduction for equipment leaks of VOC, considering costs, nonair quality health and environmental impacts, and energy requirements.

EFFECTIVE DATE: June 24, 1985. These standards of performance become effective upon promulgation and apply to affected facilities for which construction, reconstruction, or modification commenced after January 20, 1984.

Under section 307(b)(1) of the Clean Air Act, judicial review of the actions taken by this notice is available *only* by the filing of a petition for review in the U.S. Court of Appeals for the District of Columbia Circuit within 60 days of today's publication. Under section 307(b)(2) of the Clean Air Act, the requirements that are the subject of today's notice may not be challenged later in civil or criminal proceedings brought by EPA to enforce these requirements.

The Director of the Office of the Federal Register approves the incorporation by reference of certain publications in this action effective on June 24, 1985.

ADDRESSES: *Background Information Documents.* The background information document (BID) for the promulgated standards may be obtained from the U.S. EPA Library (MD-35), Research Triangle Park, North Carolina 27711, telephone number (919) 541-2777. Please refer to "Equipment Leaks of VOC from Onshore Natural Gas Processing Plants—Background Information for Promulgated Standards" (EPA-450/3-82-024b). The BID contains (1) a summary of the public comments made on the proposed standards and EPA's responses to the comments, (2) a summary of the changes made to the standards since proposal, and (3) the final Environmental Impact Statement. The BID for the proposed standards may be obtained from the National Technical Information Service, U.S. Department of Commerce, Springfield, Virginia 22161. Please refer to "Equipment Leaks of VOC in Natural Gas Production Industry—Background Information for Proposed Standards," EPA-450/3-82-024a (NTIS PB84-155126).

Docket. A docket, number A-80-20B, containing information considered by EPA in the development of the promulgated standards, is available for public inspection between 8:00 a.m. and 4:00 p.m., Monday through Friday, at EPA's Central Docket Section (LE-131), West Tower Lobby, Gallery 1, 401 M Street SW., Washington, D.C. 20460. A reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: For technical information, contact Mr. James F. Durham, Chemicals and Petroleum Branch, Emission Standards and Engineering Division (MD-13), U.S. EPA, Research Triangle Park, NC 27711, telephone (919) 541-5671. For information on the regulatory decisions and the promulgated standards, contact Ms. Dianne Byrne or Mr. Gilbert H. Wood, Standards Development Branch, Emission Standards and Engineering Division (MD-13), U.S. EPA, Research Triangle Park, NC 27711, telephone (919) 541-5578. For information concerning the enforcement and reporting aspects, contact Mr. Richard Biondi, Stationary Source Compliance Division (EN-341), U.S. EPA, 401 M Street, SW., Washington, D.C. 20460; or, contact the appropriate Regional Office contact as listed in 40 CFR 60.4

SUPPLEMENTARY INFORMATION:

Summary of Standards

Standards of performance for equipment leaks of VOC from onshore natural gas processing plants were proposed on January 20, 1984 (49 FR 2636). The promulgated standards for equipment leaks of VOC from onshore natural gas processing plants (Subpart KKK) incorporate by reference many of the provisions of Subpart VV, the standards for equipment leaks of VOC in the synthetic organic chemicals manufacturing industry (48 FR 48328, October 18, 1983; amended at FR 49 22607, May 30, 1984). The promulgated standards apply to two types of "affected facilities," which include specific equipment with the potential to leak VOC. Each gas plant compressor is an affected facility. Each process unit is also an affected facility. A process unit is defined as equipment (other than compressors) assembled for the extraction of natural gas liquids from fields gas, the fractionation of the liquids into natural gas products, or other operations associated with the processing of natural gas products.

Equipment covered by the standards are compressors and groups of valves, pumps, pressure relief devices, flanges and connectors, and open-ended lines in VOC service (that is, contains or contacts a process fluid that is at least 10 percent VOC by weight) or in wet gas service (that is, contains or contacts inlet gas to the plant extraction process). The standards require (1) a leak detection and repair program for valves in gas/vapor and light liquid service, for pumps in light liquid service, and for pressure relief devices in gas/vapor service and (2) equipment for compressors and open-ended valves or lines. Flanges and other connectors, pressure relief devices in liquid service, and pumps and valves in heavy liquid service are excluded from the routine leak detection requirements but are subject to the same repair requirements as the equipment subject to the routine leak detection and repair requirements. For valves, pumps, and pressure relief devices, an owner or operator may use certain control equipment instead of implementing the standards described above. Alternative standards for valves and a procedure for determining the equivalency of other alternative control measure are also provided.

A gas plant that does not fractionate natural gas liquids and that also processes less than 283,000 standard cubic meters per day (scmd) of field gas is exempt from the routine leak detection and repair requirements for valves, pumps, and pressure relief devices.

In response to comments on the proposed standards, EPA has exempted valves, pumps, and pressure relief devices within process units located in the North Slope of Alaska from the routine leak detection and repair requirements. In addition, for all gas plants EPA has allowed up to 3 percent of the valves in new process units to be

designated as difficult-to-monitor valves, thereby exempting them from the routine leak detection and repair requirements for valves. The EPA has also exempted all reciprocating compressors in wet gas service from the compressor control requirements of the standards based on an analysis of cost effectiveness. The EPA has also changed the definition of "in VOC service" from a concentration of 1 weight percent VOC to 10 weight percent VOC, while adding a provision that all equipment "in wet gas service," regardless of percent VOC content, is covered by the standards. This is consistent with the intent of the proposed standards. The EPA has provided an alternative procedure for determining "capital expenditures" for the purpose of determining whether a modification has occurred under the provisions of 40 CFR 60.14.

Flare requirements for velocity and heating values have been changed since proposal to allow flares burning gas streams with high heating values to use high velocities. An equation has been added to the final standards for calculating the maximum permitted velocity for flares to provide for velocities up to 122 meters per second (m/sec) depending on the gas heat content. The purpose of the equation is to allow streams with heat contents greater than 11.2 megajoules per standard cubic meter (MJ/scm) to be flared at higher velocities, while ensuring a VOC reduction efficiency that reflects best demonstrated technology (BDT).

Owners and operators of facilities covered by these standards should note that some of the releases covered by these standards might be covered by requirements developed under the Comprehensive Environmental Response, Compensation, and Liability Act (See 48 FR 23552).

The final standards include semiannual reports to enable enforcement agencies to assess compliance with the standards. These reports may be waived for affected facilities in States where the regulatory program has been delegated, if EPA, in the course of delegating such authority, approves reporting requirements or an alternative means of source surveillance adopted by the State. In these cases, such sources would be required to comply with the requirements adopted by the State.

Compliance with the leak detection and repair program and equipment requirements will also be assessed through review of records and inspections. Records of leak detection, repair attempts, and maintenance are required. Notifications are also required as described in the General Provisions for new source standards (40 CFR 60.7).

Summary of Impacts of the Standards

The standards will cover about 180 newly constructed facilities and up to 40 modified or reconstructed facilities in the fifth year after the standards are in effect.

Emission Reductions

The standards will reduce VOC emissions from affected facilities by approximately 73 percent, or 16,100 megagrams (Mg) per year, in the fifth year after the standards are in effect. These impacts are compared to current industry practices including requirements associated with State implementation plans.

Cost and Economic Impacts

The standards will require an industry-wide capital investment over the initial 5-year period of approximately $6.2 million. The industry-wide net annualized cost is estimated to be approximately $1.5 million in the fifth year after the standards are in effect. The standards are expected to increase average prices by less than 0.1 percent.

Other Impacts

These standards of performance will not increase the energy usage of gas plant process units. In general, the controls required by the standards do not require significant additional energy. Furthermore, the effect of the standards will be to decrease production losses of raw materials so that a net positive energy impact will result. Implementation of the standards will have no adverse impact on solid waste within the natural gas industry.

The promulgated standards, changes since proposal, EPA's responses to comments received by mail and comments made at a public hearing on March 7, 1984, and environmental, energy, and economic impacts are discussed in greater detail in the BID for the promulgated standards. (See the **ADDRESSES** section of this preamble.)

Docket

The docket is an organized and complete file of all the information considered by EPA in the development of this rulemaking. The docket is a dynamic file, since material is added throughout the rulemaking process. The docketing system is intended to allow members of the public and industry involved to identify and locate documents so that they can participate effectively in the rulemaking process. Along with the statement of basis and purpose of the proposed and promulgated standards and EPA responses to significant comments, the contents of the docket will serve as the record in case of judicial review, except for interagency review materials (Section 307(d)(7)(A)).

Miscellaneous

In accordance with section 117 of the Act, publication of these promulgated standards was preceded by consultation with appropriate advisory committees, independent experts, and Federal departments and agencies. This regulation will be reviewed 4 years from the date of promulgation as required by the Clean Air Act.

Section 317 of the Clean Air Act requires the Administrator to prepare an economic impact assessment for any new source standard of performance promulgated under section 111(b) of the Act. An economic impact assessment was prepared and is included in the BID's. Cost was carefuly considered in determining BDT.

The resources needed by the industry to maintain records and to collect, prepare, and use the reports for the first 3 years would be about 6.6 person-years annually. The resources required by EPA and State and local agencies to process the reports and maintain records for the first 3 years would average about 0.8 person-years annually.

Prior to proposal, the information collection requirements in this rule were submitted for approval to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1980, 44 U.S.C. 3501 *et seq.* The OMB did not approve the proposed requirement that owners or operators submit notification of their election to comply with one of the alternative valve standards because they believed that it was unnecessary. The Agency believes that the notification is essential for enforcement personnel to enforce adequately the standards. Compliance with either the primary work practice standard for valves or with one of the two alternative standards is demonstrated according to different schedules for leak detection and repair (monthly, semiannually, or annually). Enforcement personnel could not enforce the appropriate compliance schedule without knowing whether the owner or operator has elected to meet the primary work practice standard, with its monthly monitoring requirement, or one of the alternatives with their less frequent monitoring requirements. Because the notification is considered essential for enforcement

personnel to enforce the standard, and because the burden associated with the one- to two-sentence notification is minimal, the notification requirement has not been removed from the standards. These requirements were approved: the OMB control number is 2060–0120.

"Major Rule" Determination

Under Executive Order 12291, the Administrator is required to judge whether a regulation is a "major rule" and, therefore, subject to certain requirements of the Order. The Administrator has determined that this regulation would result in none of the adverse economic effects set forth in section 1 of the Order as grounds for finding a regulation to be a "major rule." Fifth-year annualized costs of the standards would be about $1.5 million for the projected 200 newly constructed, modified, and reconstructed natural gas production facilities that could be affected by the standards during the first 5 years. The standards result in no adverse impact on profitability, would have a potential to increase slightly the consumer price of natural gas or natural gas products (0.1 percent or less), and would have no adverse impact on capital availability for construction of gas plants. The Administrator has concluded that this rule is not "major" under any of the criteria established in the Executive Order.

This regulation was submitted to the OMB for review as required in Executive Order 12291. Any written comments from OMB to EPA and any EPA responses to those comments are available for public inspection in Docket No. A–80–20B, Central Docket Section, at the address given in the **ADDRESSES** section of this preamble.

Regulatory Flexibility Analysis Certification

The Regulatory Flexibility Act of 1980 requires that adverse effects of all Federal regulations upon small entities be identified. According to current Small Business Administration guidelines, a small entity in the natural gas processing industry is one that has 500 employees or fewer. There are many small companies that process natural gas and employ fewer than 500 persons. However, even if facilities owned by small businesses do become subject to the standards, none is expected to be adversely affected. This can be said because the price and profitability impacts previously described have been estimated from the perspective of the "smaller" gas processing units in operation. Thus, the economic impact for facilities owned by small businesses is not considered significant. Pursuant to the provisions of 5 U.S.C. 605(b), I hereby certify that this rule will not have a significant economic impact on a substantial number of small entities.

List of Subjects in 40 CFR Part 60

Air pollution control, Intergovernmental relations, Reporting and recordkeeping requirements, Incorporation by reference, Petroleum.

Dated: May 10, 1985.

Lee M. Thomas,

Administrator.

PART 60—[AMENDED]

40 CFR Part 60 is amended as follows:

1. The authority citation for Part 60 continues to read as follows:

Authority: 42 U.S.C. 7411, 7601(a).

2. By adding a new Subpart KKK as follows:

Subpart KKK—Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants

Sec.

Subpart KKK—Standards of Performance for Equipment Leaks of VOC From Onshore Natural Gas Processing Plants

§ 60.630 Applicability and designation of affected facility.

(a) (1) The provisions of this subpart apply to affected facilities in onshore natural gas processing plants.

(2) A compressor in VOC service or in wet gas service is an affected facility.

(3) The group of all equipment except compressors (defined in § 60.631) within a process unit is an affected facility.

(b) Any affected facility under paragraph (a) of this section that commences construction, reconstruction, or modification after January 20, 1984, is subject to the requirements of this subpart.

(c) Addition or replacement of equipment (defined in § 60.631) for the purpose of process improvement that is accomplished without a capital expenditure shall not by itself be considered a modification under this subpart.

(d) Facilities covered by Subpart VV or Subpart GGG of 40 CFR Part 60 are excluded from this subpart.

(e) A compressor station, dehydration unit, sweetening unit, underground storage tank, field gas gathering system, or liquefied natural gas unit is covered by this subpart if it is located at an onshore natural gas processing plant. If the unit is not located at the plant site, then it is exempt from the provisions of this subpart.

§ 60.631 Definitions.

As used in this subpart, all terms not defined herein shall have the meaning given them in the Act, in Subpart A of Part 60, or in Subpart VV of Part 60; and the following terms shall have the specific meanings given them.

"Alaskan North Slope" means the approximately 69,000 square-mile area extending from the Brooks Range to the Arctic Ocean.

"Equipment" means each pump, pressure relief device, open-ended valve or line, valve, compressor, and flange or other connector that is in VOC service or in wet gas service, and any device or system required by this subpart.

"Field gas" means feedstock gas entering the natural gas processing plant.

"In light liquid service" means that the piece of equipment contains a liquid that meets the conditions specified in § 60.485(e) or § 60.633(h)(2).

"Natural gas liquids" means the hydrocarbons, such as ethane, propane, butane, and pentane, that are extracted from field gas.

"Natural gas processing plant" (gas plant) means any processing site engaged in the extraction of natural gas liquids from field gas, fractionation of mixed natural gas liquids to natural gas products, or both.

"Nonfractionating plant" means any gas plant that does not fractionate mixed natural gas liquids into natural gas products.

"Onshore" means all facilities except those that are located in the territorial seas or on the outer continental shelf.

"Process unit" means equipment assembled for the extraction of natural gas liquids from field gas, the fractionation of the liquids into natural gas products, or other operations associated with the processing of natural gas products. A process unit can operate independently if supplied with sufficient feed or raw materials and sufficient storage facilities for the products.

"Reciprocating compressor" means a piece of equipment that increases the pressure of a process gas by positive displacement, employing linear movement of the driveshaft.

"In wet gas service" means that a piece of equipment contains or contacts the field gas before the extraction step in the process.

§ 60.632 Standards.

(a) Each owner or operator subject to the provisions of this subpart shall comply with the requirements of § 60.482–1 (a), (b), and (d) and § 60.482–2 through § 60.482–10, except as provided in § 60.633, as soon as practicable, but no later than 180 days after initial startup.

(b) An owner or operator may elect to comply with the requirements of § 60.483–1 and § 60.483–2.

(c) An owner or operator may apply to the Administrator for permission to use an alternative means of emission limitation that achieves a reduction in emissions of VOC at least equivalent to that achieved by the controls required in this subpart. In doing so, the owner or operator shall comply with requirements of § 60.634 of this subpart.

(d) Each owner or operator subject to the provisions of this subpart shall comply with the provisions of § 60.485 except as provided in § 60.633(f) of this subpart.

(e) Each owner or operator subject to the provisions of this subpart shall comply with the provisions of § 60.486 and § 60.487 except as provided in § 60.633, § 60.635, and § 60.636 of this subpart.

(f) An owner or operator shall use the following provision instead of § 60.485(d)(1): Each piece of equipment is presumed to be in VOC service or in wet gas service unless an owner or operator demonstrates that the piece of equipment is not in VOC service or in wet gas service. For a piece of equipment to be considered not in VOC service, it must be determined that the percent VOC content can be reasonably expected never to exceed 10.0 percent by weight. For a piece of equipment to be considered in wet gas service, it must be determined that it contains or contacts the field gas before the extraction step in the process. For purposes of determining the percent VOC content of the process fluid that is contained in or contacts a piece of equipment, procedures that conform to the methods described in ASTM Methods E169, E168, or E260 (incorporated by reference as specified in § 60.17) shall be used.

§ 60.633 Exceptions.

(a) Each owner or operator subject to the provisions of this subject may comply with the following exceptions to the provisions of Subpart VV.

(b) (1) Each pressure relief device in gas/vapor service may be monitored quarterly and within 5 days after each pressure release to detect leaks by the methods specified in § 60.485(b) except as provided in § 60.632(c), paragraph (b)(4) of this section, and § 60.482–4(a)–(c) of Subpart VV.

(2) If an instrument reading of 10,000 ppm or greater is measured, a leak is detected.

(3) (i) When a leak is detected, it shall be repaired as soon as practicable, but no later than 15 calendar days after it is detected, except as provided in § 60.482–9.

(ii) A first attempt at repair shall be made no later than 5 calendar days after each leak is detected.

(4) (i) Any pressure relief device that is located in a nonfractionating plant that is monitored only by nonplant personnel may be monitored after a pressure release the next time the monitoring personnel are on site, instead of within 5 days as specified in paragraph (b)(1) of this section and § 60.482–(b)(1) of Subpart VV.

(ii) No pressure relief device described in paragraph (b)(4)(i) of this section shall be allowed to operate for more than 30 days after a pressure release without monitoring.

(c) Sampling connection systems are exempt from the requirements of § 60.482–5.

(d) Pumps in light liquid service, valves in gas/vapor and light liquid service, and pressure relief devices in gas/vapor service that are located at a nonfractionating plant that does not have the design capacity to process 283,000 standard cubic meters per day (scmd) (10 million standard cubic feet per day (scfd)) or more of field gas are exempt from the routine monitoring requirements of § 60.482–2(a)(1), § 60.482–7(a), and § 60.633(b)(1).

(e) Pumps in light liquid service, valves in gas/vapor and light liquid service, and pressure relief devices in gas/vapor service within a process unit that is located in the Alaskan North Slope are exempt from the routine monitoring requirements of § 60.482–2(a)(1), § 60.482–7(a), and § 60.633(b)(1).

(f) Reciprocating compressors in wet gas service are exempt from the compressor control requirements of § 60.482–3.

(g) In addition to the requirements for flares at § 60.482–10(d)(4), the following are allowed:

(1) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in § 60.485(g)(4), equal to or greater than 18.3 m/sec (60 ft/sec) but less than 122m/sec (400 ft/sec) if the net heating value of the gas being combusted is greater than 37.3 MJ/scm (1000 Btu/scf).

(2) Steam-assisted and nonassisted flares designed for and operated with an exit velocity, as determined by the methods specified in § 60.485(g)(4), less than 122 m/sec (400 ft/sec) and less than the velocity, V_{max}, as determined by the following equation:

$$\text{Log}_{10}(V_{max}) = (H_T + 28.8)/31.7$$

V_{max} = Maximum permitted velocity, m/sec.
28.8 = Constant.
31.7 = Constant.
H_T = The net heating value as determined in § 60.485 (g)(3).

(h) An owner or operator may use the following provisions instead of § 60.485(e):

(1) Equipment is in heavy liquid service if the weight percent evaporated is 10 percent or less at 150 °C as determined by ASTM Method D86 (incorporated by reference as specified in § 60.17).

(2) Equipment is in light liquid service if the weight percent evaporated is greater than 10 percent at 150 °C as determined by ASTM Method D86 (incorporated by reference as specified in § 60.17).

§ 60.634 Alternative means of emission limitation

(a) If, in the Administrator's judgment, an alternative means of emission limitation will achieve a reduction in VOC emissions at least equivalent to the reduction in VOC emissions achieved under any design, equipment, work practice or operational standard, the Administrator will publish, in the Federal Register a notice permitting the use of that alternative means for the purpose of compliance with that standard. The notice may condition permission on requirements related to the operation and maintenance of the alternative means.

(b) Any notice under paragraph (a) of this section shall be published only after notice and an opportunity for a public hearing.

(c) The Administrator will consider applications under this section from either owners or operators of affected facilities, or manufacturers of control equipment.

(d) The Administrator will treat applications under this section according to the following criteria, except in cases where he concludes that other criteria are appropriate:

(1) The applicant must collect, verify and submit test data, covering a period of at least 12 months, necessary to support the finding in paragraph (a) of this section.

(2) If the applicant is an owner or operator of an affected facility, he must commit in writing to operate and maintain the alternative means so as to achieve a reduction in VOC emissions at least equivalent to the reduction in VOC emissions achieved under the design, equipment, work practice or operational standard.

§ 60.635 Recordkeeping requirements.

(a) Each owner or operator subject to the provisions of this subpart shall comply with the requirements of paragraphs (b) and (c) of this section in addition to the requirements of § 60.486.

(b) The following recordkeeping requirements shall apply to pressure relief devices subject to the requirements of § 60.633(b)(1) of this subpart.

(1) When each leak is detected as specified in § 60.633(b)(2), a weatherproof and readily visible identification, marked with the equipment identification number, shall be attached to the leaking equipment. The identification on the pressure relief device may be removed after it has been repaired.

(2) When each leak is detected as specified in § 60.633(b)(2), the following information shall be recorded in a log and shall be kept for 2 years in a readily accessible location:

(i) The instrument and operator identification numbers and the equipment identification number.

(ii) The date the leak was detected and the dates of each attempt to repair the leak.

(iii) Repair methods applied in each attempt to repair the leak.

(iv) "Above 10,000 ppm" if the maximum instrument reading measured by the methods specified in § 60.635(a) after each repair attempt is 10,000 ppm or greater.

(v) "Repair delayed" and the reason for the delay if a leak is not repaired within 15 calendar days after discovery of the leak.

(vi) The signature of the owner or operator (or designate) whose decision it was that repair could not be effected without a process shutdown.

(vii) The expected date of successful repair of the leak if a leak is not repaired within 15 days.

(viii) Dates of process unit shutdowns that occur while the equipment is unrepaired.

(ix) The date of successful repair of the leak.

(x) A list of identification numbers for equipment that are designated for no detectable emissions under the provisions of § 60.482–4(a). The designation of equipment subject to the provisions of § 60.482–4(a) shall be signed by the owner or operator.

(c) An owner or operator shall comply with the following requirement in addition to the requirement of § 60.486(j): Information and data used to demonstrate that a reciprocating compressor is in wet gas service to apply for the exemption in § 60.633(f) shall be recorded in a log that is kept in a readily accessible location.

(Approved by the Office of Management and Budget under control number 2060–0120)

§ 60.636 Reporting requirements.

(a) Each owner or operator subject to the provisions of this subpart shall comply with the requirements of paragraphs (b) and (c) of this section in addition to the requirements of § 60.487.

(b) An owner or operator shall include the following information in the initial semiannual report in addition to the information required in § 60.487(b)(1)–(4): number of pressure relief devices subject to the requirements of § 60.633(b) except for those pressure relief devices designated for no detectable emissions under the provisions of § 60.482–4(a) and those pressure relief devices complying with § 60.482–4(c).

(c) An owner or operator shall include the following information in all semiannual reports in addition to the information required in § 60.487(c)(2)(i)–(vi):

(1) Number of pressure relief devices for which leaks were detected as required in § 60.633(b)(2) and

(2) Number of pressure relief devices for which leaks were not repaired as required in § 60.633(b)(3).

(Approved by the Office of Management and Budget under control number 2060–0120)

3. By revising paragraphs (a) (34), (35), (36), and (40) of § 60.17 of Subpart A—General Provisions to read as follows:

§ 60.17 Incorporation by reference.

(a) * * *

(34) ASTM E169–63 (Reapproved 1977), General Techniques of Ultraviolet Quantitative Analysis, IBR approved for § 60.485(d), § 60.593(b), and § 60.632(f).

(35) ASTM E168–67 (Reapproved 1977), General Techniques of Infrared Quantitative Analysis, IBR approved for § 60.485(d), § 60.593(b), and § 60.632(f).

(36) ASTM E260–73, General Gas Chromatography Procedures, IBR approved for § 60.485(d), § 60.593(b), and § 60.632(f).

(40) ASTM D86–78, Distillation of Petroleum Products, IBR approved for § 60.593(d) and § 60.633(h).

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June 24, 1985

Part V

Environmental Protection Agency

40 CFR Part 468

Copper Forming Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards; Proposed Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 468

[FRL 2823-4]

Copper Forming Point Source Category Effluent Limitations Guidelines, Pretreatment Standards, and New Source Performance Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed Regulation.

SUMMARY: EPA proposes to amend 40 CFR Part 468 which limits effluent discharge to waters of the United States and the introduction of pollutants into publicly owned treatment works by existing and new sources that form copper and copper alloys. EPA agreed to propose these amendments in a settlement agreement to resolve a lawsuit challenging the final copper forming regulation promulgated by EPA on August 15, 1983 (48 FR 36942).

The proposed amendments include modifications to the applicability of the copper forming regulation. After considering comments received in response to this proposal, EPA will promulgate a final rule.

DATES: Comments on this proposal must be submitted on or before July 24, 1985.

ADDRESS: Send comments to Ms. Janet K. Goodwin, Industrial Technology Division (WH-552), Environmental Protection Agency, 401 M Street SW., Washington, D.C. 20460.

The supporting information and all comments on this proposal will be available for inspection and copying at the EPA Public Information Reference Unit, Room 2404 (Rear) (EPA Library) 401 M Street, SW., Washington, D.C. The EPA information regulation provides that a reasonable fee may be charged for copying.

FOR FURTHER INFORMATION CONTACT: Questions regarding this notice may be addressed to Mr. Ernst P. Hall at (202) 382-7126.

SUPPLEMENTARY INFORMATION:

Organization of This Notice

I. Legal Authority

The regulation described in this notice is proposed under authority of sections 301, 304, 306, 307, 308 and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, 33 U.S.C. 1251 et seq., as amended by the Clean Water Act of 1977, Pub. L. 92-217).

II. Background

A. Rulemaking and Settlement Agreement

On November 12, 1982, EPA proposed a regulation to establish effluent limitations guidelines for existing direct dischargers based on the best practicable control technology currently achievable ("BPT") and the best available technology economically achievable ("BAT"); new source performance standards ("NSPS") for new direct dischargers; and pretreatment standards for existing and new indirect dischargers ("PSES" and "PSNS", respectively) for the copper forming point source category (47 FR 51279). EPA published final effluent limitations guidelines and standards for the copper forming category on August 15, 1983 (40 CFR Part 468; 48 FR 36942) and technical corrections to the final rule on November 3, 1983 (48 FR 50717). This regulation establishes one subcategory that applies to all wastewater discharges resulting from the forming of copper and copper alloys. See, 40 CFR 468.01. The preamble to the final copper forming effluent limitations guidelines and standards contains a complete discussion of the development of the regulation.

Following promulgation of the copper forming regulation, Brush Wellman, Inc. ("Brush") and Cerro Copper Products Company together with the Village of Sauget ("Cerro") filed petitions to review the regulation. These challenges were consolidated into one lawsuit by the United States Court of Appeals for the Seventh Circuit (*Cerro Copper Products Company, et. al.* v. *EPA*, Nos. 83-3053 and 84-1087.) At the request of all parties, the two cases were subsequently deconsolidated since each raised distinctly different issues.

On September 29, 1984, EPA and Brush executed a Settlement Agreement to resolve all issues raised by Brush with respect to the copper forming effluent limitations guidelines and standards. The Agreement applies only to the challenges made by Brush; it does not resolve challenges made by Cerro nor is Cerro a party to the Agreement. On October 5, 1984, the United States Court of Appeals for the Seventh Circuit entered an order holding Brush's petition for review in abeyance pending implementation of the Settlement Agreement. The challenges made by Cerro are being litigated.

Brush challenged the copper forming regulation on the grounds that this regulation and single subcategory were not appropriate as applied to its facilities for two related reasons. First, Brush forms beryllium copper alloys that differ from other copper alloys because the beryllium oxide coating formed on the surface of the metal during heat treating is both tenacious and abrasive and must be removed by special treatment before the alloys can be further processed. Second, one facility owned by Brush produces exclusively very thin guage beryllium copper strip and wire products. Brush claims this causes the volume of wastewater and mass of pollutants discharged to vary significantly from other copper forming plants.

Subsequent data and information submitted by Brush which was not available to EPA before promulgation support its contention that beryllium copper forming involves technical considerations not adequately addressed by the single subcategory of the copper forming regulation. In addition, substantial quantities of beryllium will be present in wastewaters from the removal of the beryllium oxide coating which were not taken into account during the copper forming rulemaking.

Because of these differences, EPA has determined that discharges from beryllium copper forming are best handled as a separate subcategory. Accordingly, EPA has agreed to propose to exclude the forming of beryllium copper alloys from the existing copper forming regulation and to create a new subcategory in the regulation reserved for effluent limitations guidelines and standards for the forming of beryllium copper alloys. EPA has also agreed to proposed that the term "beryllium copper" shall mean copper that is alloyed to contain 0.1 percent or more beryllium. The minimum amount of beryllium to be present in a beryllium copper alloy was set at 0.1 percent to cover all beryllium copper alloys that are manufactured or will be manufactured within the foreseable future. In addition, any alloy with beryllium present in this amount is expected to have the unique properties characteristic of all beryllium copper alloys. We use the term "alloyed to

contain" to specify that the beryllium must be intentionally added.

B. Effect of the Settlement Agreement

Under the Agreement, EPA has agreed to propose to amend the copper forming regulation to exclude discharges from the forming of beryllium copper from Subpart A of the existing copper forming regulation, 40 CFR Part 468, and to solicit comment on the amendments. If, after EPA has taken final action under the Settlement Agreement, the provisions of the copper forming amendments are consistent with the Settlement Agreement, Brush will voluntarily dismiss its petition for review and withdraw its request for a "fundamentally different factors" variance which it also submitted pursuant to 40 CFR Part 125, Subpart D. Brush has also agreed not to seek judicial review of any final amendments that are consistent with the Settlement Agreement. The Agency also agreed to propose to amend 40 CFR Part 468 to create a new subpart reserved for beryllium copper forming effluent limitations guidelines and standards.

As part of the Settlement Agreement, the parties jointly requested the United States Court of Appeals for the Seventh Circuit to stay the effectiveness of 40 CFR Part 468 as it applies to discharges from beryllium copper forming pending final action by EPA on the amendments. On November 8, 1984, the court denied the joint motion. EPA and Brush subsequently filed a joint motion to reconsider the denial. The court granted the motion and entered the stay described above on March 5, 1985. Therefore, 40 CFR 468, Subpart A, does not apply to discharges from beryllium copper forming. Copies of the Settlement Agreement and the court's stay have been sent to EPA Regional Offices and State NPDES Permit issuing authorities.

III. Proposed Amendments to the Copper Forming Regulation

Below is a list of those sections of the copper forming regulation subject to the proposed amendments. All limitations and standards contained in the final copper forming regulation published on August 15, 1983 which are not specifically listed below are not affected by the proposed amendments. EPA is not proposing to delete or amend any of the limitations and standards not specifically addressed in this proposal.

A. Section 468.01 Applicability: EPA is proposing to correct a typographical error changing the CFR unit from subpart to part.

B. Section 468.02 Specialized Definitions: EPA is proposing to add a definition for the term beryllium copper alloy to mean an alloy of copper which is alloyed to contain 0.10 percent beryllium or greater.

C. Section 468.10 Applicability; description of the copper forming subcategory: Section 468.10 of the final copper forming rule contains only one subcategory to cover discharges from the forming of all copper and copper alloys. This was based on information available to the Agency at the time of promulgation which indicated that wastewater generated by forming any copper alloy contained similar pollutant constituents in amounts effectively controlled by the same model wastewater pollution control technology. Accordingly, EPA established a single subcategory in the copper forming effluent limitations guidelines and standards.

After promulgation, Brush submitted information indicating that copper alloys containing beryllium have unique properties requiring different forming techniques than the forming of other copper alloys. These differences are discussed in the preceding section of this preamble. Because of these differences, the Agency proposes to exclude beryllium copper forming from the existing regulation and to create a new subcategory reserved for effluent limitations guidelines and standards for all beryllium copper alloys. In the Settlement Agreement, EPA agreed to propose to exclude discharges from beryllium copper forming from the subcategory covering all other copper alloys. The Agency is proposing to make this change by adding "except beryllium copper alloys" at the end of § 468.10, Applicability of Subpart A.

The unique physical properties of beryllium copper alloys, which cause unique forming problems, also apply to other metal alloys containing significant quantities of beryllium and pure beryllium metal. Therefore, as discussed in the notice of new data in the nonferrous metals forming category (50 FR 4872, February 4, 1985), the Agency may decide to combine the forming of all alloys that are alloyed to contain beryllium at 0.1 percent or greater under one subcategory. Since the beryllium copper alloy is the largest volume beryllium alloy produced, it would be appropriate to include forming of other beryllium alloys and pure beryllium metal together with the beryllium copper forming in one subcategory of the copper forming category.

D. Subcategorization: The final copper forming regulation includes beryllium copper alloys in the copper forming subcategory. EPA is proposing to establish a new subpart B reserved for a separate subcategory for beryllium copper forming to account for significant process differences from the forming of other copper alloys. The Agency has already begun gathering data relative to beryllium copper forming and expects to propose limitations and standards for this subcategory in the near future.

IV. Environmental Impact of the Proposed Amendments to the Copper Forming Regulation

This amendment will not increase the discharge of pollutants generated by copper forming plants who continue to be covered by the copper forming requirements of Subpart A. EPA estimates that five to nine plants will be covered by this proposed rule. Until beryllium copper forming effluent limitations guidelines and standards are established, these plants will be regulated on a case-by-case basis. The Agency does not expect a significant increase of pollutants discharged.

V. Economic Impact of the Proposed Amendments

The proposed amendment will not alter the recommended technologies for complying with the copper forming regulation. The Agency considered the economic impact of the regulation when the final regulation was promulgated (See 48 FR 36948). These proposed amendments will not alter the determinations with respect to the economic impact to copper forming plants other than beryllium copper forming and since these amendments do not propose to establish any effluent requirements, they should have no impact on beryllium copper forming plants.

VI. Solicitation of Comments

EPA invites public participation in this rulemaking and requests comments on the proposed amendments discussed or set out in this notice. We are particularly interested in receiving comments on the possibility of including other beryllium alloys and pure beryllium in the beryllium copper subcategory. The Agency asks that comments be as specific as possible and that suggested revisions or corrections be supported by data.

VII. Executive Order 12291

Under Executive Order 12291, EPA must judge whether a regulation is "major" and therefore subject to the requirement of a Regulatory Impact Analysis. Major rules are defined as rules that impose an annual cost to the economy of $100 million or more, or meet other economic criteria. This proposed regulation, like the regulation

promulgated August 15, 1983, is not major because it does not fall within the criteria for major regulations established in Executive Order 12291.

VIII. Regulatory Flexibility Analysis

Public Law 96-354 requires that EPA prepare a Regulatory Flexibility Analysis for regulations that have a significant impact on a substantial number of small entities. In the preamble to the August 15, 1983 final copper forming regulation, the Agency concluded that there would not be a significant impact on a substantial number of small entities (48 FR 36950). For that reason, the Agency determined that a formal regulatory flexibility analysis was not required. That conclusion is equally applicable to these proposed amendments, since the amendments would not alter the economic impact of the regulation. The Agency is not, therefore, preparing a formal analysis for this regulation.

IX. OMB Review

This regulation was submitted to the Office of Management and Budget for review as required by Executive Order 12291. Any comments from OMB to EPA and any EPA response to those comments are available for public inspection at Room M2404, U.S. EPA, 401 M Street, SW., Washington, D.C. 20460 from 9:00 a.m. to 4:00 p.m. Monday through Friday, excluding federal holidays.

List of Subjects in 40 CFR Part 468

Copper forming, Water pollution control, Waste treatment and disposal.

Dated: June 11, 1985.

Lee M. Thomas

Administrator.

PART 468—COPPER FORMING POINT SOURCE CATEGORY

For the reasons stated above, EPA is proposing to amend 40 CFR Part 468 as follows:

1. The authority citation for Part 468 continues to read as follows:

Authority: Sections 301, 304 (b), (c), (e), and (g), 306 (b) and (c), 307 (b) and (c), 308 and 501 of the Clean Water Act (the Federal Water Pollution Control Act Amendments of 1972, as amended by the Clean Water Act of 1977) (the "Act"); 33 U.S.C. 1311, 1314 (b), (c), (e), and (g), 1316 (b) and (c), 1317 (b) and (c), 1318 and 1361; 86 Stat. 816, Pub. L. 92-500; 91 Stat. 1567, Pub. L. 95-217.

General Provisions

2. 40 CFR 468.01 is revised to read as follows:

§ 468.01 Applicability.

The provisions of this part are applicable to discharges resulting from the manufacture of formed copper and copper alloy products. The forming operations covered are hot rolling, cold rolling, drawing, extrusion, and forging. The casting of copper and copper alloys is not controlled by this part. (See 40 CFR Part 451.)

3. 40 CFR 468.02 is amended by adding a new paragraph (x) to read as follows:

§ 468.02 Specialized definitions.

In addition to the definitions set forth in 40 CFR Part 401 and the chemical analysis methods in 40 CFR Part 136, the following definitions apply to this part:

* * * * *

(x) The term "beryllium copper alloy" shall mean any copper alloy that is alloyed to contain 0.10 percent or greater beryllium.

Subpart A—Copper Forming Subcategory

4. 40 CFR 468.10 is revised to read as follows:

§ 468.10 Applicability; description of the copper forming subcategory.

This subpart applies to discharges of pollutants to waters of the United States, and introduction of pollutants into publicly owned treatment works from the forming of copper and copper alloys except beryllium copper alloys.

* * * * *

5. 40 CFR Part 468 is amended by adding a new Subpart B as follows:

Subpart B—Beryllium Copper Forming Subcategory

§ 468.20 Applicability; description of the beryllium copper forming subcategory.

This subpart applies to discharges of pollutants to waters of the United States, and introduction of pollutants into publicly owned treatment works from the forming of beryllium copper alloys.

§§ 468.21-468.26 [Reserved]

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